

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Wassim Abedrabbo	Team: Squad #12	CCRB Case #: 201604132	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 05/06/2016 6:30 PM	Location of Incident: [REDACTED]	Precinct: 120	18 Mo. SOL 11/6/2017	EO SOL 11/6/2017	
Date/Time CV Reported Sat, 05/07/2016 6:30 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 05/13/2016 11:19 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Michael Liconti	18132	943486	120 PCT
2. POM Gregory Diamond	22882	957537	120 PCT
3. POM Jihad Shahin	10451	956256	120 PCT
4. POM Elmer Pastran	06851	956154	120 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Jihad Shahin	Abuse: Police Officer Jihad Shahin refused to provide his name and shield number to § 87(2)(b) [REDACTED]	[REDACTED]
B.POM Elmer Pastran	Abuse: Police Officer Elmer Pastran refused to provide his name and shield number to § 87(2)(b) [REDACTED]	[REDACTED]
C.POM Michael Liconti	Abuse: Police Officer Michael Liconti refused to provide his name or shield number to § 87(2)(b) [REDACTED]	[REDACTED]
D.POM Gregory Diamond	Abuse: Police Officer Gregory Diamond refused to provide his name or shield number to § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On May 7, 2016, § 87(2)(b) filled this complaint with IAB, which was received at the CCRB on May 13, 2016.

On May 6, 2016, at approximately 6:30 p.m., § 87(2)(b) returned to a temporarily rented apartment at § 87(2)(b) located at § 87(2)(b) in Staten Island. The manager of § 87(2)(b) prohibited § 87(2)(b) from accessing his belongings inside, so § 87(2)(b) called 9-1-1.

Approximately 15 minutes later, Police Officer Jihad Shahin and Police Officer Elmer Pastran arrived at the incident location. § 87(2)(b) explained to the officers that he was attempting to access his belongings, but the manager was withholding him from doing so. PO Shahin and PO Pastran then entered § 87(2)(b) to speak to the manager. Two minutes later, the officers returned and informed § 87(2)(b) that there was not much they can do for him, but he would be given two minutes to go inside the building and get his belongings. § 87(2)(b) declined to do so. One of the officers then instructed § 87(2)(b) to cross § 87(2)(b) to the other side. § 87(2)(b) complied, but called 9-1-1 after doing so. That same officer then called § 87(2)(b) back to the front of § 87(2)(b) after which § 87(2)(b) requested both officers' name and shield numbers twice, but neither officer provided this information (**Allegation A and Allegation B**).

At approximately 7:15 p.m., § 87(2)(b) called 9-1-1 once again because he was still unable to enter the building and access his belongings. Approximately 15 minutes later, Police Officer Michael LiConti and Police Officer Gregory Diamond arrived at § 87(2)(b) in Staten Island. § 87(2)(b) explained the situation to the officers. Once again, PO LiConti and PO Diamond entered the building, returning after five minutes. PO LiConti and PO Diamond informed § 87(2)(b) that they could not help him, but that they would be able to escort him in for a limited time so that he can access items that he needed.

PO LiConti and PO Diamond escorted § 87(2)(b) to a closet located on the first floor of the building, and § 87(2)(b) gathered the belongings he wanted for approximately 20 minutes. The officers then escorted § 87(2)(b) outside of the building. PO LiConti and PO Diamond then left the scene. § 87(2)(b) requested the two officer's names and shield numbers several times during the interaction, but the officers did not provide the information (**Allegation C and Allegation D**).

There was no video footage obtained in relation to this case.

No summonses were issued or arrests made in result of this incident.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of August 5, 2016, the Notice of Claim inquiry with the NYC Comptroller's Office is still pending.
- § 87(2)(b) has not been convicted of any crimes in the past 10 years (Board Review 01).

Civilian and Officer CCRB Histories

- This is the second CCRB complaint filed by § 87(2)(b) and the first of which to be fully investigated (Board Review 02).
- This is the fourth CCRB complaint filed against PO LiConti, who has a total of four allegations in his CCRB history and who has been a member of service for 9 years (see officer history). Of the four allegations in PO LiConti's CCRB history, only one was fully investigated and was exonerated. § 87(2)(g)
- This is the first CCRB complaint filed against PO Diamond (see officer history).

- This is the first CCRB complaint filed against PO Shahin (see officer history).
- This is the first CCRB complaint filed against PO Pastran (see officer history).

Findings and Recommendations

Allegation A -Abuse: Police Officer Jihad Shahin refused to provide his name and shield number to § 87(2)(b)

Allegation B -Abuse: Police Officer Elmer Pastran refused to provide his name and shield number to § 87(2)(b)

Allegation C -Abuse: Police Officer Michael LiConti refused to provide his name or shield number to § 87(2)(b)

Allegation D -Abuse: Police Officer Gregory Diamond refused to provide his name or shield number to § 87(2)(b)

It is undisputed that PO Jihad Shahin, PO Elmer Pastran, PO Michael LiConti, and PO Gregory Diamond were the responding officers to the incident location on the incident date. It is also undisputed that during § 87(2)(b)'s interactions with the aforementioned officers, he requested that they provide their name and shield numbers.

§ 87(2)(b) alleged that he requested each involved officer's name and shield number more than once (Board Review 03). § 87(2)(b) requested PO Shahin's and PO Pastran's names and shield numbers when he was on the phone with 9-1-1 and immediately before the officers left the incident scene. § 87(2)(b) requested PO Diamond and PO LiConti's names and shield numbers as soon as they arrived at the scene and immediately before they left the incident scene.

The investigation obtained the recordings of § 87(2)(b)'s 9-1-1 call in regards to the incident under investigation (Board Review 04). At no point in the recording can § 87(2)(b) be heard requesting neither PO Shahin's nor PO Pastran's name and shield number; however, § 87(2)(b) tells the operators that he requested the information from the officers but they did not provide it to him.

All of the subject officers involved in this case acknowledged that § 87(2)(b) did request both their name and shield numbers, but stated that they provided the information clearly to § 87(2)(b).

PO Shahin stated that when § 87(2)(b) requested his name and shield number he provided the information verbally, and he wrote the information on a piece of paper (Board Review 05). § 87(2)(b) took the piece of paper into his hand, but PO Shahin did not see what § 87(2)(b) did with the paper afterward.

Both PO Pastran (Board Review 06) and PO LiConti (Board Review 07) stated that when § 87(2)(b) requested their names and shield numbers, they verbally provided the information to § 87(2)(b). Each also held that there were no factors present at the time that would have hindered § 87(2)(b)'s ability to hear them provide the information. § 87(2)(b) verbally indicated to both officers that he received the information.

PO Diamond stated that he verbally provided the information to § 87(2)(b) and physically presented his name plate and shield when § 87(2)(b) requested the information (Board Review 08). He also held that there were no factors present that may have hindered § 87(2)(b) from hearing the information.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date